

12/09/97

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **John H. Vrzalik**

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Attorney Docket No:
06 2916.295

Assignee: **Kinetic Concepts, Inc.**

Examiner: **S. Meyers**

Serial No.: **08/904,121**

Filed: **July 31, 1997**

Title: **BARIATRIC BED APPARATUS
AND METHODS**

PETITION UNDER 37 C.F.R. § 1.137

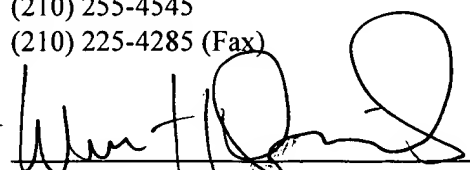
OFFICE OF ASSISTANT COMMISSIONER
OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

Sir:

Applicant respectfully requests an extension of the period in which to respond to the Official Action of January 31, 1997 in the above-identified case for two (2) months. A check in the amount of \$400 fee for an extension of the time for response for two months is enclosed. In the event the check is inadvertently omitted or is insufficient in amount, the Commissioner is authorized to charge any necessary fees, or credit overpayment, to Deposit Account No. 01-0477. 50-0326 (06 2916.295). A duplicate copy of this request is enclosed.

Respectfully submitted,

KINETIC CONCEPTS, INC.
P.O. Box 659508
San Antonio, Texas 78265-9508
(210) 255-4545
(210) 225-4285 (Fax)


William H. Quirk, IV
Reg. No. 33,996

EXPRESS MAIL mailing label No. EM226165721

Date of Deposit 12-9-97

I hereby certify that this paper or fee is being
deposited with the United States Postal Service Express
Mail Post Office to Addressed Service under 37 CFR
101.11 on the date indicated above and is addressed to the
Commissioner of Patents and Trademarks, Washington
DC 20231

Date: 12-9-97

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OFFICE OF ASSISTANT COMMISSIONER
OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

Sir:

Applicant respectfully petitions for revival of the application Serial Number 08/767,291 under the provision of 37 C.F.R. § 1.137(b) which was abandoned on May 31, 1997 (see Paper No. 12, filed September 9, 1997). Further, Applicant requests clarification of the filing receipt dated July 31, 1997 in which filing date was granted for Application Serial No. 08/904,121. In view of the Notice of Improper FWC Filing dated October 9, 1997, it would seem that the filing date granted Application Serial No. 08/904,121 would be pending subject to the outcome of this petition.

An examination of the prosecution history of this application reveals that a timely response to the Final Office Action of January 31, 1997 was mailed on May 30, 1997, along with a request for extension of prosecution of the subject case for four months after the date of the Final Office Action, or until May 31, 1997. Further, a File Wrapper Continuation was filed on July 31, 1997, along with a request to expressly abandon the subject application in favor of the continuing application. Applicant asserts that this request *would have been filed in a timely manner*, with the exception that a request for an extension of time for two additional months from the Final Office Action was not filed. This omission was unintentional on the part of Applicant, and revival of the application is

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respectfully requested. The above facts are submitted as a statement that the abandonment was unintentional as required by 37 C.F.R. § 1.137(b)(3).

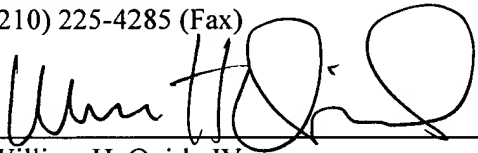
Enclosed please find checks totaling \$530 to extend the prosecution of the subject application for a total of six months after the final Office action until July 31, 1997, and execute the request for a File Wrapper Continuation under 37 C.F.R. § 1.62 as previously submitted on July 31, 1997.

In the event the checks are inadvertently omitted or insufficient in amount, the Commissioner is authorized to charge any necessary fees, or credit overpayment, to Deposit Account No. 50-0326 (06 2916.295). A duplicate copy of this transmittal is enclosed for accounting purposes.

Respectfully submitted,

KINETIC CONCEPTS, INC.
P.O. Box 659508
San Antonio, Texas 78265-9508
(210) 255-4545
(210) 225-4285 (Fax)

By:


William H. Quirk, IV
Reg. No. 33,996

Date: 12-9-97

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Date of Deposit 12-9-97
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Commissioner of Patents and Trademarks, Washington
DC 20231
